

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON MONDAY, JUNE 8, 2009 AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Kathleen Savolt
	Trustees	Toni Pergola Ryan John Hofstetter Randi Robinowitz
	Village Manager	Richard Slingerland
	Village Attorney	Janet M. Insardi
	Police Department	Lt. Leahy
	Clerk-Treasurer	Agostino A. Fusco

ABSENT: None

I. COMMUNICATION TO THE BOARD

Mr. Young Min Song of 123 Mamaroneck Avenue, the Regatta, appeared and addressed the Board. Mr. Song stated that he wished to address the noise problem emanating from Molly Spillane’s Restaurant patio between the hours of 11:00P.M. and 4:00 A.M. The restaurant itself stops the music at 11:00 but the voices of the people on the patio travel and are impacting the residents quality of life. The police have been called and it is quiet for a while and then gradually the noise returns. Mr. Song stated that Jeff Hammers of 123 Mamaroneck Ave is also present and the noise from the restaurant has awakened Mr. Hammer’s two young children at night. Mr. Song also stated that 20 residents who reside on the restaurant side of the Regatta have signed a petition asking that something be done to eliminate the problem. Mr. Song made it clear that only residents affected by the noise had been asked to sign the petition. He also suggested that closing the patios after 11 p.m. or at the time the music ends might represent a solution. He will submit a copy of the petition to the Village office.

The Mayor stated that the Village has a noise ordinance and the Zoning Board of Appeals gave the restaurant a Special Use Permit to operate and the details of that permit will be looked at.

Mr. Slingerland stated that the Village is looking to change local law.

The Mayor stated that the owners of Molly Spillane’s want to be good citizen

Mr. Insardi stated that she will look into the Special Use Permit conditions.

The Mayor stated that Mr. Slingerland will take the lead and that residents are entitled to a good night’s sleep.

Mr. Song will drop off a copy of the petition at the Village Office.

2. APPROVAL OF MINUTES

A. Minutes of BOT Work Session of May 20, 2009

On motion of Trustee Ryan, seconded by Trustee Robinowitz:

RESOLVED that the Minutes of the Board of Trustees Work Session on May 20, 2009 be and are hereby approved, subject to a minor typo correction on page 4.

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

B. Minutes of BOT Regular Meeting of May 26, 2009

On motion of Trustee Robinowitz, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Board of Trustees Regular Meeting of May 26, 2009 be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

C. Minutes of Public Hearing on PLL7, 2009

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Minutes of the Public Hearing on PLL7-2009 be and are hereby approved.

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

3. AUDIT OF BILLS

On motion of Trustee Robinowitz, seconded by Trustee Hofstetter:

RESOLVED that the Abstract as submitted listed below dated 06/08/09 for fiscal year 2008-2009, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	\$122,406.16
Capital Fund	\$ 48,401.51
Trust & Agency	<u>\$ 26,813.35</u>
TOTAL	\$197,621.02

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

The Mayor asked if the total cost of the Harbor Fest was known, as it is the goal to cover all expenses.

Mr. Slingerland stated that the total expenses are not in as of yet.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Abstract as submitted listed below dated 6/8/09 for fiscal year 2009-2010, copy being filed with the Village Clerk, be and the same are hereby ordered paid:

General Fund	<u>\$141,269.09</u>
TOTAL	\$141,269.09

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

4. OLD BUSINESS

None

5. NEW BUSINESS

A. Appointment of Deputy Mayor

The Mayor was pleased to announce the appointment of Trustee Ryan as the Deputy Mayor. Trustee Ryan thanked the Mayor, stating it is an honor to be her deputy.

B. Announcement of Board Liaison Positions

The Mayor stated that there has been a change in liaison assignments. The Board reviewed Boards and Commissions and decided that Land Use Board will no longer have a Board liaison as staff members attends their meeting and can keep the trustees informed. As a result, there has been a reassignment of liaisons to Commissions. Trustee Robinowitz will be liaison to the Cable TV Commission and Trustee Ryan's responsibility as liaison to the Harbor and Coastal Zone Management Commission will cease and she will be liaison to the Recreation Commission.

C. Traffic Resolution – Stop Sign at Bishop Avenue, westbound at Fenimore Road

Mr. Slingerland the Village Manager stated that there has not been a stop sign at the Corner of Bishop and Fenimore and the Village will place one there for the safety of the public.

RESOLVED that Chapter 326, Section 76, Schedule IX Vehicle Law.

A stop sign will be placed on the West side of Bishop Avenue.

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

6. REPORT FROM VILLAGE MANAGER

Mr. Slingerland stated that he attended a Shared Services meeting last week and a Federal Stimulus meeting today.

The Federal Stimulus meeting was hosted by Nita Lowey at Pace University. Currently, the only awards have been to large cities. The Village has to wait. There is a lot of money available but it is being funneled by the state. Westchester County has received \$4.5 million, White Plains \$650,000; New Rochelle \$685,000; and Yonkers 1.8 million.

7. FLOOD MITIGATION REPORT

Mr. Slingerland stated that he met with Mr. Spano and thanked him for the money for the Army Corps of Engineers Study. Mr. Slingerland stated that he is aggressively pursuing scheduling a meeting with the Army Corps of Engineers and is hopeful it will take place the second week in July.

8. REPORT FROM CLERK TREASURER

A. Commencement of Collection of Taxes

Mr. Fusco stated that the Village is collecting taxes and they are due by June 30, 2009.

To clarify a question, the Clerk-Treasurer stated that the tax payments are mailed to a lock box in Philadelphia, not directly to the Village.

9. REPORT FROM VILLAGE ATTORNEY

Ms. Insardi stated that in the case of Panetta vs. Village of Mamaroneck regarding a Certificate of Occupancy, the lower court did not grant the applicants request, nor did the appellate court. No court costs were awarded, but Mr. Panetta can appeal.

Mamaroneck Beach and Yacht

Ms. Insardi stated that the Village and the Mamaroneck Beach and Yacht Club are in a settlement dispute and mediation did not result in a successful resolution. Previously the Planning Board had approved 12 seasonal residences in the main building in a Marine Recreation Zone, for the use of members. Village zoned the area in the 1980's in order to preserve the waterfront. The Board is aware of its obligation under SEQRA and the need to preserve the harbor for future generations.

The Village Board has made extraordinary efforts to settle but Mamaroneck Beach and Yacht has been inflexible.

The public has made the Village aware that, while the MBYC's application was for seasonal residences for its members, the Club has mass marketed 21 one and two bedroom seasonal residences with terraces to non members. The Village has received copies of the ad which ran in Florida newspapers.

10. REPORT FROM POLICE CHIEF

Lt. Leahy stated he had nothing to report.

II. MINUTES –COMMISSIONS, BOARDS, COMMITTEES

- A. HCZM March 18, 2009
- B. Tree Committee May 4, 2009
- C. BAR May 5, 2009
- D. Planning Board May 14, 2009

12. COMMUNICATION TO THE BOARD II

Mr. Irving Scharf of Richbell Road appeared and addressed the Board. Mr. Scharf commented on the Molly Spillane issue. He stated that the gentleman who spoke earlier should make suggestions about how to alleviate the noise problem and bring them to the Board.

Trustee Robinowitz stated that she had the honor of attending the DARE graduation at two schools and wanted to thank Officer DiRuzzo and the Police Department for the wonderful job teaching the children about the dangers of drugs and cigarettes.

Also the Taylor Lane meeting will be held at the Regatta June 11, 2009 at 1:30 P.M.

Ms. Robinowitz also stated that on Saturday June 20th at 9:00 a.m. the corner of Harrison Ave. and Keeler Ave. in front of Daniel Warren School will be renamed “Sal’s Crossing” in memory of Sal Yannuzzi, who was a Crossing Guard at this corner

Trustee Ryan stated that at the next Board of Trustee meeting the Council of the Arts summer concert schedule for the movie and 4 concerts will be announced.

Trustee Hofstetter stated that this is the first meeting without Tom Murphy, he will be missed.

Mayor Savolt congratulated 11 young girls from the Girl Scouts Troop 2547 for receiving the Silver Award. Hopefully they will go on to earn the Gold Award.

The Mayor stated that the Village is working hard to schedule a meeting with all the elected officials to discuss Shared Services.

On a personal note the Mayor thanked all responsible for the Memorial Day celebration, especially the people who made her father feel so welcome.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Board of Trustees convene to Executive Session to discuss the Mamaroneck Beach and Yacht Club litigation.

Ayes: Robinowitz, Hofstetter, Ryan, Savolt

Nays: None

ADJOURNMENT

There being no further business to come before the Board, on motion duly made and seconded the meeting was adjourned.

PREPARED BY:

FRANCINE M. BRILL

MINUTES SECRETARY

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO,

CLERK-TREASURER